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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,403	02/05/2004	Shinsuke Okada	P24588	3854
7055	7590	06/26/2006	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			KASZTEJNA, MATTHEW JOHN	
		ART UNIT	PAPER NUMBER	
			3739	

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/771,403	OKADA, SHINSUKE
	Examiner Matthew J. Kasztejna	Art Unit 3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 February 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/5/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "most sensitive" in claims 6-7 is a relative term which renders the claim indefinite. The term "most sensitive" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear as to what degree the alignment lens is configured to be sensitive with respect to alignment error.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,122,115 to Plummer et al.

**In regards to claims 1 and 10,** Plummer et al. disclose an objective optical system comprising: a first lens unit having a first lens barrel and a first optical system

including a plurality of lens elements assembled in the first lens barrel; and a second lens unit having a second lens barrel and a second optical system including a plurality of lens elements (See Fig. 7). The recited method claim is inherently performed when assembling the apparatus of Plummer et al.

**In regards to claim 2,** Plummer et al. disclose, wherein the first lens unit is provided with a fixing unit that fixes the first optical system to the first lens barrel, the second lens barrel being assembled to the first lens barrel, the fixing unit 57 interposed between the first lens barrel and the second lens barrel to define a clearance therebetween (see Fig. 7).

**In regards to claim 3,** Plummer et al. disclose, wherein at least one of the first lens unit and second lens unit includes an alignment lens which is movable in a direction perpendicular to the optical axis thereof (see Col. 5, Lines 35-64).

**In regards to claims 4-5,** Plummer et al. disclose, wherein the alignment lens is included in the first optical system, the first lens barrel being formed with a plurality of holes through which parts of a circumferential surface of the alignment lens is seen and wherein the alignment lens is movably accommodated in the first lens barrel, the alignment lens being moved by pins inserted through the plurality of holes, respectively (see Col. 5, Lines 35-64).

**In regards to claims 6-7,** Plummer et al. disclose, wherein the alignment lens is configured to be most sensitive with respect to an alignment error among the plurality of lenses included in the first optical system (see Col. 5, Lines 35-64).

**In regards to claim 8,** Plummer et al. disclose, wherein the alignment lens is a cemented lens (see Col. 5, Lines 1-25).

Claims 1-7 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,128,808 to Dosaka.

**In regards to claims 1 and 10,** Dosaka discloses an objective optical system comprising: a first lens unit 7a having a first lens barrel 7 and a first optical system 4 including a plurality of lens elements assembled in the first lens barrel; and a second lens unit 9a having a second lens barrel 9 and a second optical system 6 including a plurality of lens elements (See Figs. 2 and 4). The recited method claim is inherently performed when assembling the apparatus of Dosaka.

**In regards to claim 2,** Dosaka discloses, wherein the first lens unit is provided with a fixing unit 22 that fixes the first optical system to the first lens barrel, the second lens barrel being assembled to the first lens barrel, the fixing unit interposed between the first lens barrel and the second lens barrel to define a clearance therebetween (see Fig. 4).

**In regards to claim 3,** Plummer et al. disclose, wherein at least one of the first lens unit and second lens unit includes an alignment lens which is movable in a direction perpendicular to the optical axis thereof (see Col. 5, Lines 35-65).

**In regards to claims 4-5,** Dosaka discloses, wherein the alignment lens is included in the first optical system, the first lens barrel being formed with a plurality of holes through which parts of a circumferential surface of the alignment lens is seen and wherein the alignment lens is movably accommodated in the first lens barrel, the

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alignment lens being moved by pins inserted through the plurality of holes, respectively (see Figs. 7-8 and Col. 6, Lines 45-68).

**In regards to claims 6-7**, Dosaka discloses, wherein the alignment lens is configured to be most sensitive with respect to an alignment error among the plurality of lenses included in the first optical system (see Col. 6, Lines 45-68).

**In regards to claim 9**, Dosaka discloses, wherein the first lens barrel is attached to the second lens barrel by a screw connection (see Fig. 4 and Col. 5, Lines 35-65).

### ***Conclusion***

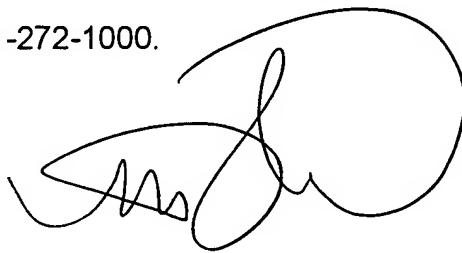
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kasztejna whose telephone number is (571) 272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJK 

6/20/06



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